

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of Jean-Christophe	§ Appeal No. _____
Castaing, et al.	§ Group Art Unit: 1796
U.S. Serial No.: 10/538681	§ Examiner: Robert D. Harlan
Filed: June 10, 2005	§ Docket No. R-02168.US
For: A METHOD FOR ENHANCING THE	§ Date: August 4, 2009
WATER REPELLENCY OF	§ Confirmation No.: 3650
INORGANIC BINDER COMPOSITIONS	§
THE COMPOSITIONS CAPABLE OF	§
BEING OBTAINED BY THIS METHOD	§
AND THE USES OF THESE	§
COMPOSITIONS	§

**RESPONSE TO**  
**NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**  
**(37 CFR 41.37)**

Commissioner for Patents  
Alexandria, Virginia 22313-1451

Sir:

In Response to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed August 28, 2009, Appellants hereby submit the Statement of the status of all claims.

Please amend the Appellant's brief at page 3 to replace the third paragraph with the following paragraph, the new material being underlined:

### **III. STATUS OF CLAIMS**

Claims 1-25 have been cancelled. The claims appealed are Claims 26-39 and 41-46 which were finally rejected in the Office Action mailed January 8, 2009; and Claim 40 which was objected to as being dependent from a rejected claim.

Respectfully submitted,  
Natalie Suzanne Grooms, et al.

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